

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

In the Matter of )  
 )  
Joint Petition for Arbitration of )  
 )  
NewSouth Communications Corp., )  
NuVox Communications, Inc. )  
KMC Telecom V, Inc., KMC Telecom III LLC, and )  
Xspedius Communications, LLC on Behalf of its )  
Operating Subsidiaries Xspedius Management Co. )  
Switched Services, LLC, Xspedius Management Co. )  
Of Charleston, LLC, Xspedius Management )  
Co. of Columbia, LLC, Xspedius Management Co. )  
Of Greenville, LLC, and Xspedius Management Co. )  
Of Spartanburg, LLC )  
 )  
Of an Interconnection Agreement with )  
BellSouth Telecommunications, Inc. )  
Pursuant to Section 252(b) of the )  
Communications Act of 1934, as Amended )  
\_\_\_\_\_ )

Docket No. 2005-57-C

**JOINT MOTION REGARDING PROCEDURE**

BellSouth Telecommunications, Inc. ("BellSouth") and NewSouth Communications Corp., NuVox Communications, Inc., KMC Telecom V, Inc. and KMC Telecom III, LLC, and Xspedius Communications, LLC on behalf of its operating subsidiaries (collectively "Joint Petitioners") respectfully and jointly submit the following Motion regarding procedural matters in this docket. This motion supplements the Motion to Amend Arbitration Plan and Procedural Schedule ("Motion to Amend") filed by the Joint Petitioners on or about May 19, 2005. The Office of Regulatory Staff does not oppose this motion and concurs in the requests made herein.

**A. Motion to extend the timeframe for resolving the unresolved issues.**

For the reasons set forth in the Motion to Amend, the parties request that the Commission extend the timeframe for resolving the unresolved issues in this docket for three months, until on or about October 6, 2005.

**B. Motion to Eliminate Requirement to File Briefs and/or Proposed Orders Prior to the Hearing.**

For the reasons set forth in the Motion to Amend, the parties request that the Commission eliminate the requirement to file briefs and/or proposed orders prior to the hearing. Instead, the parties request that the Commission allow the parties to file Post-Hearing Briefs and/or Proposed Orders 30 days following the date the transcript of the hearing is made available.

**C. Motion to Adopt Modified Procedure for Conduct of Hearing.**

BellSouth and the Joint Petitioners are arbitrating the issues in this docket before each of the nine State Commissions in BellSouth's territory, and to date, they have taken part in hearings before seven of these State Commissions. Based on experience that BellSouth and the Joint Petitioners have gained from those seven hearings, the parties respectfully request that the Commission adopt the following modified procedure for the conduct of the hearing in this docket. The Kentucky Commission adopted a similar procedure and, as a result, the hearing in Kentucky was concluded in one day.

1. BellSouth may submit into the record in this docket one hearing transcript and record from another state proceeding, and the Joint Petitioners may submit into the record in this docket one hearing transcript and record from another state proceeding.<sup>1</sup>

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<sup>1</sup> This proposal allows for the development of a complete evidentiary record in a manner that is more efficient than developing this information by way of cross-examination during the hearing.

2. The written discovery and depositions from the North Carolina proceeding will be submitted into the record in this docket. If either BellSouth or the Joint Petitioners submit the transcript and record from the Florida proceeding pursuant to Item No. 1 above, then each party's responses to the discovery served by the Staff of the Florida Commission will be submitted into the record of this docket as well.<sup>2</sup>

3. Counsel for the parties will not make opening statements.

4. At the beginning of the hearing, each witness will have the opportunity to present an overall summary of his or her testimony, subject to a limitation of 15 minutes per side. When the examination of the witnesses on an issue-by-issue basis begins, the witness(es) for each side may present a summary of the issue being addressed, subject to a limitation of 2 minutes per side.

5. Following the presentation of a witness' summary of the issue being addressed, the witness will be subject to cross-examination by the ORS.

6. Following the ORS's cross-examination, the witness will be subject to questions from the Commission.

7. Following questions from the Commission, the witness will be subject to cross-examination by the remaining party. Cross-examination by BellSouth and the Joint Petitioners will be limited only to those issues raised by ORS or the Commission, plus any testimony or language proposals that differ from those in place at the time of the two hearing transcripts and records submitted pursuant to Item No. 1 above.

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<sup>2</sup> Like the proposal in Item No. 1, this proposal allows for the development of a complete evidentiary record in a manner that is more efficient than developing this information by way of cross-examination during the hearing.

8. Re-direct examination will be limited to the scope of the questions from the ORS, the Commission, and the remaining party.

9. Counsel for the parties will not make closing statements.

**D. Motion for Oral Argument**

The Parties want to be sure that they have fully addressed any questions or concerns the Commission may have regarding the issues in this docket, and they will make their best efforts to do so during the hearing and in their post-hearing briefs. However, given the number of issues involved in this proceeding, the volume of the record before the Commission, and the complexity of some of the issues, the Commission may have questions or concerns that are not addressed by the testimony or the post-hearing briefs. As set out in the Motion to Amend, therefore, the Parties respectfully request that the Commission schedule oral argument within 30 days following the filing of Post-Hearing Briefs. The Commission could cancel the oral argument if it determines, after considering the post-hearing briefs, that there is no need for such argument.

Respectfully submitted this 26<sup>th</sup> day of May, 2005.

BELLSOUTH TELECOMMUNICATIONS, INC.



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PATRICK W. TURNER  
Suite 5200  
1600 Williams Street  
Columbia, South Carolina 29201  
(803) 401-2900

JOINT PETITIONERS

*Jack Pringle by po't w/ permission*  
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JOHN J. PRINGLE, JR.

ELLIS, LAWHORNE & SIMS, P.A.  
1501 Main Street, Fifth Floor  
Post Office Box 2285  
Columbia, South Carolina 29202  
(803) 343-1270

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Joseph Melchers  
Chief Counsel  
S.C. Public Service Commission  
Post Office Box 11649  
Columbia, South Carolina 29211  
(PSC Staff)  
**(U.S. Mail and Electronic Mail)**

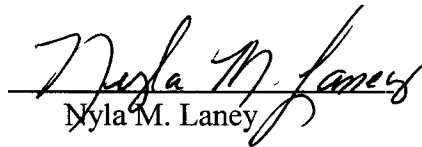
John J. Pringle, Esquire  
Ellis Lawhorne & Sims, P.A.  
Post Office Box 2285  
Columbia, South Carolina 29202  
(NewSouth, NuVox, KMC, Xspedius)  
**(U. S. Mail and Electronic Mail)**

John J. Heitmann  
Stephanie Joyce  
Garrett R. Hargrave  
KELLEY DRYE & WARREN LLP  
1200 Nineteenth Street, N.W., Suite 500  
Washington, D.C. 20036  
**(U. S. Mail and Electronic Mail)**

Bo Russell  
Regional Vice President – Regulatory  
and Legal Affairs SE  
2 North Main Street  
Greenville, South Carolina 29601  
(NuVox/NewSouth)  
**(U. S. Mail and Electronic Mail)**

Marva Brown Johnson  
Senior Regulatory Policy Advisor  
1755 North Brown Road  
Lawrenceville, Georgia 30043  
(KMC)  
**(U. S. Mail and Electronic Mail)**

James C. Falvey  
Senior Vice President – Regulatory Affairs  
Xspedius  
14405 Laurel Place, Suite 200  
Laurel, Maryland 20707  
(Xspedius)  
**(U. S. Mail and Electronic Mail)**



Nyla M. Laney

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